Case: 1:22-mj-00082
Assigned To : Harvey, G. Michael
Assign. Date : 4/15/2022
Description: COMPLAINT W/ ARREST WARRANT

STATEMENT OF FACTS

Your affiant, [redacted], is a Task Force Officer ("TFO") of the Federal Bureau of Investigation (the "FBI"), assigned to the Orlando Resident Agency of the Tampa Field Office. As a Task Force Officer, I am authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of violations of Federal criminal laws. Currently, I am assisting in the investigation of criminal activity in and around the United States Capitol on January 6, 2021.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

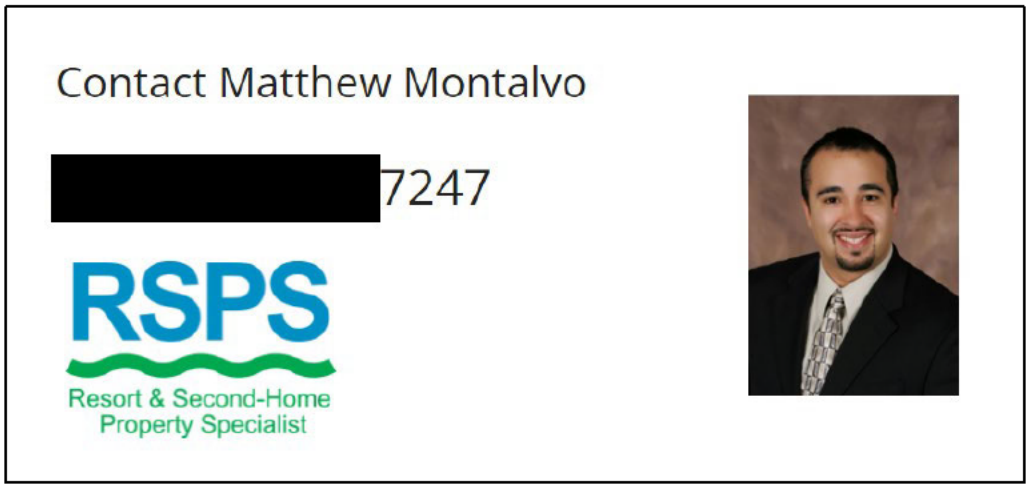
During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of

violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

Among the images of individuals who entered the U.S. Capitol without authority was an individual dressed in a black coat and a Nike sweatshirt, and who was carrying a tan backpack. As described below, that person has been identified as MATTHEW MONTALVO of Kissimmee, FL.

According to records obtained through a search warrant which was served on Verizon, on January 6, 2021, in and around the time of the incident, the cellphone associated with [redacted] was identified as having utilized a cell site consistent with providing service to a geographic area that includes the interior of the United States Capitol building. Records from Verizon identified MATTHEW MONTALVO of Kissimmee, FL as the user of this telephone number. Law enforcement subsequently located a Florida driver's license record for "Matthew Stephen Montalvo" and obtained a driver's license photo. Open source and law enforcement database checks further revealed pertinent biographical data, such as MONTALVO's date of birth and home address.

An open source search identified a website for an Orlando-area real estate business associated with Matthew Montalvo, [redacted]. The website lists the phone number associated with 7247 as his contact:



Surveillance footage from CCTVs taken on January 6, 2021 inside the Capitol building show a man resembling MONTALVO's driver's license photo. As seen in Figure 1, MONTALVO can be seen entering the Capitol through the Rotunda door, wearing a black coat and tan backpack at approximately 2:27 PM.

Figure 1

MONTALVO made his way to the Capitol Rotunda, and, as shown in Figure 2, he can be seen walking through Statuary Hall holding the tan backpack.

Figure 2

The surveillance footage further shows that MONTALVO was inside the Capitol for more than 25 minutes as he moved throughout the second floor of the Capitol before exiting through the Upper House Door at approximately 2:54 PM.

Figure 3

Figure 4

Law enforcement officers also obtained body worn camera from a Metropolitan Police Department Officer who was present near Upper House Door Interior on the afternoon of January 6, 2021. MONTALVO can be seen in video footage timestamped 2:53 p.m.

Figure 5

On December 8, 2021, your affiant contacted MONTALVO via telephone [redacted]7247 and interviewed MONTALVO at his residence in Kissimmee, FL. MONTALVO admitted that on January 6, 2021, he walked around the U.S. Capitol grounds, and entered the U.S. Capitol Building. Having interviewed MONTALVO in person, your affiant is able to identify MONTALVO as the person seen in Figures 1-5.

Based on the foregoing, your affiant submits that there is probable cause to believe that MONTALVO violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that MONTALVO violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

Respectfully Submitted,

[redacted]
Task Force Officer
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 15th day of April 2022.

G. Michael Harvey

Digitally signed by G. Michael Harvey
Date: 2022.04.15 11:54:47 -04'00'

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE